

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kaua‘i Police Commission	Meeting Date	October 23, 2015	
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:01 a.m.		End of Meeting: 10:44 a.m.
Present	Chair Ernest Kanekoa Jr.; Members: Savita Agarwal, Gerald “Chip” Bahouth, Mary K. Hertog, Donald Okami Sr., and James R. O’Connor Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; First Deputy County Attorney Stephen Hall; Police Department: Chief of Police Darryl Perry; Executive Chief of Police Michael Contrades; Captain Bryson Ponce; Detective Darren Rose				
Excused	Vice Chair Charles C.C. Iona				
Absent					
SUBJECT		DISCUSSION		ACTION	
Call To Order				Chair Kanekoa called the meeting to order at 9:01 a.m. with six (6) members present constituting a quorum.	
Approval of Minutes		Regular Open Session Minutes of September 25, 2015. With no comments or corrections to the meeting minutes, Chair Kanekoa called for a motion.		Commissioner Hertog moved to approve the minutes of September 25, 2015. Commissioner O’Connor seconded the motion. Motion carried 6:0	
October Officers of the Month Detective Darren Rose and Captain Bryson Ponce		Reading the recognition was Executive Chief of Police Michael Contrades. The Investigative Services Bureau nominated Captain Ponce and Detective Rose for their work in capturing the suspect wanted in the murder of Gary Allianic Jr. who was found stabbed to death in a Lihu‘e parking lot. Chief Perry presented the officers with a Certificate of Outstanding and Exemplary Service for locating and capturing murderer Keola Francisco Manuel, allowing the community to feel a sense of relief knowing that a wanted murderer was no longer on the streets.			

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	Chair Kanekoa along with Commissioners Agarwal, Bahouth, Hertog, Okami and O'Connor thanked Captain Ponce and Detective Rose for their outstanding work and professionalism in capturing murderer suspect Keola Francisco Manuel.	
Commendation Report	<p>There was one letter of commendation received for Captain Paul Applegate</p> <ul style="list-style-type: none"> On August 17, 2015, Mr. Brian Fujiuchi of Fujiuchi Investigations Inc. wrote in appreciation to Captain Applegate for accepting an invitation to attend the luncheon for retired KPD Officers, and for speaking on matters of interest while addressing questions asked by those in attendance. Chief Perry acknowledged Police Lieutenant Roderick Green as KPD's Top Cop of the Year. A luncheon was held in Honolulu earlier in the month to recognize law enforcement officers from local, state and federal organizations from all the islands. Chief Perry expressed his appreciation to Public Information Officer Sarah Blane for helping the department celebrate their successes by posting their accomplishments on social media. 	
Chief's Monthly Reports	<ol style="list-style-type: none"> Administrative and Technical Bureau & Training Reports Fiscal Report Investigative Services Bureau Bench Warrant Tracking Patrol Services Bureau & Traffic Reports Community Oriented Policing Reports Personnel Orders: 2015-20 and 2015-21 Chief's announcements and pertinent updates 	

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	<p>In reference to an article that was submitted to the local newspaper regarding concerns over the department's overtime expenditures, Commissioner Bahouth asked how the department is dealing with the issue and whether a response will be forthcoming to which Chief Perry replied that he will be working with Executive Chief of Police Michael Contrades and Public Information Officer Sarah Blane on a comprehensive response to address the writer's concerns regarding the department's overtime costs. He added that once the response is completed he would forward a copy of the response to the Commissioners.</p>	
<p>KPC 2015-09 Public Announcement</p>	<p>Public announcement for notarized complaint KPC 2015-002 that was filed on March 15, 2015. The complaint alleges ineffective police communication and conflict of interest in the investigation death of a pedestrian. After diligent inquiry by the Commission, in which the Commissioners reviewed all available materials, including testimony, the Commission has determined that all of the concerns have been addressed and the complaint was not upheld. This officially concluded the Commission's review of complaint KPC 2015-002.</p>	
<p>KPC 2015-10</p>	<p><u>Communication received on October 9, 2015, from Dorothy Kulik to the Kaua'i Police Commission, regarding concerns over preparation for a major culture clash.</u></p> <p>Chair Kanekoa called for a motion to receive item KPC 2015-10.</p> <p><u>Discussion</u></p> <p>Commissioner Hertog stated that she feels that Ms. Kulik is being overly concerned on events that would probably not occur here on the island. She shared that Ms. Kulik had written to her before when she initially became a Police Commissioner about militarization of police departments in America.</p>	<p>Commissioner Agarwal moved to receive item KPC 2015-10, for the record. Commissioner O'Connor seconded the motion.</p>

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	<p>Commissioner Agarwal expressed her concerns that the general public may find Ms. Kulik letter's a bit concerning to which Commissioner Hertog replied that Ms. Kulik is being paranoid on events that probably would not occur here on the island.</p> <p>With no further comments on the matter, Chair Kanekoa called for the vote to receive agenda item KPC 2015-10, for the record.</p>	<p>The motion carried 5:1, to receive agenda item KPC 2015-10, for the record; with one (1) nay from Commissioner Hertog not to receive.</p>
KPC 2015-11	<p><u>Discussion or input on possible recommendations for improvements to Article XI Police Department of the Kaua'i County Charter.</u></p> <p>Chair Kanekoa stated that because the matter is in the hands of the Intermediate Court of Appeals it would make sense for the Commission hold off from making any recommendations or input to the Charter Review Commission until after the decision is made.</p> <p>First Deputy County Attorney Hall suggested that the Commission defer the matter for continued discussion to the next Commission's meeting in November to which the Commissioners agreed. Chair Kanekoa called for a motion.</p>	<p>Commissioner O'Connor moved to defer the matter for continued discussion to the Commission's next meeting in November. Commissioner Hertog seconded the motion. The motion carried 6:0</p>
KPC 2015-12	<p><u>General discussion on the Police Department's Budget for FY 2017.</u></p> <p>Relative to the 2017 budget, Commissioner Bahouth asked Chief Perry if he is shooting for an increase to cover the cost of purchasing big ticket items to which Chief Perry replied that in the midst of preparing for the budget they are looking at fulling their needs by purchasing new equipment and at the same will keep an eye on the bargaining unit's proposed salary increases which they have no control over. He stated that for the past five (5) years, the department has been fiscally responsible and that they are in</p>	

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	<p>the process of meeting with the Commanders of each bureau to review their wish list to see which items needs to be cut or added. Chief Perry stated that he does not foresee the department's fiscal situation getting any better but will do whatever it takes to keep the organization running smoothly.</p> <p>Commissioner Bahouth asked other than the salary increases (which the department has no control over) if the department is moving towards replacing its fleet of older vehicles with new vehicles, and whether the perception of the department is that it will have the funding to purchase other large items that it may need.</p> <p>Executive Chief Michael Contrades stated they had just recently finished a review with one of the bureau's and found that a lot of their items were put off for quite some time one in particular item was the marked police vehicles. He stated that in the past, the department was asked to create a vehicle replacement policy, and in doing so, they looked at the polices for the Maui and Honolulu Police departments and found that their vehicle policies were rather generous in that they only allowed the cars to be on the streets for five (5) years unlike KPD where majority of the cars are on the streets for ten (10) years.</p> <p>E/C Contrades went on to say that although the department has a vehicle replacement policy they are not in compliance (which is not up to them) but have plans to have the administration review a proposal which unfortunately will not include the replacement of all forty (40) patrol vehicles.</p>	

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	<p>E/C Contrades stated that another big ticket item is the Crime Scene Specialist Vehicle which will be used to respond to major crime scenes and store the different investigative materials. He stated that currently the chemicals are being held in the same vehicle the investigators which is a major health concern because of the fumes coming from the chemicals.</p> <p>In regard to the overtime concerns, E/C Contrades stated that the department on numerous occasions have approached Council to bring to light about the overtime woes which is due to a of lack personnel. He stated that there has been no changes or increases to their beats for past twenty-five (25) years. He stated that the department has had roughly twenty thousand calls for service in 1990 and forty thousand calls for service in 2013 which is a 92% increase. He stated that the work has to go somewhere and that the officers are doing the best they can but it's also the detectives who are suffering as well. E/C Contrades stated that the department will be asking for more positions this year but from what he was told it doesn't look good for the department to get funding for new positions.</p> <p>He shared that one of the councilmembers made a comment that if you come to him with a reorganization plan then maybe he would support the department in getting the new positions. But the reality is, the Kaua'i Police Department is the only department in the County that has done a lot of reorganization and they have nothing more to reorganize. He added that relative to the collective bargaining salary increases the amount is expected to reach \$3 million which is in addition to what they already have in this year's budget bringing the total budget to \$33 million in FY 2017.</p>	

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	<p>Commissioner Hertog asked if it's the age of the vehicle, mileage or, both to which E/C Contrades replied both, explaining that the department pursuit vehicles are over ten (10) years old with over a hundred thousand miles.</p> <p>Commissioner Hertog pointed out that another big ticket item that must be considered is the cost to maintain the body cameras, manpower to review the footage, and the cost for storage. E/C Contrades explained that based on a formula that has been used by a mainland police department for the amount of officers using the body cameras you will need an x-amount of positions to review the footage. E/C Contrades stated that based on the number of the body cameras the officers in KPD will be using the department will need to create one fulltime position but in order to do that he will need to work with a bureau commander to see if he or she would release a position, and if so, he will take the position and create a fulltime position, but if the bureau commander says no, then his next step is to go before council to ask for funding the position.</p> <p>Commissioner Bahouth asked if the department has given much thought about the type of strategy it would have to use to convince the right people to give the department the funding it needs to which E/C Contrades replied that the department has done a lot of strategizing for the past three years which included laying down the foundation and applying for a grant (which they got) for a new beat in the Kawaihau district.</p> <p>E/C Contrades shared that lately he has been receiving a lot of complaints from people on the north shore about not getting the level of attention they once had. He stated that currently the North Shore is being managed out of the Kapa'a and that the Commander now has to oversee both Kapa'a and Hanalei districts. He added that at some point they will need to have one</p>	

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	<p>person station in Kapa'a and another person in Hanalei (another big ticket item). He mentioned that he understands the fiscal constraints but the request for more positions has been a long time coming and at what point will the department get the support it needs to make things happen.</p> <p>E/C Contrades stated that overtime is not necessarily a bad thing because having the officers work overtime is much cheaper than getting additional positions. But on the other hand the officers can only work so much and that they need to live their lives like everyone else.</p> <p>Commissioner Bahouth asked when the budget is due to which E/C Contrades replied that the preliminary budget needs to be prepared by January to take to the Mayor's level which should be available sometime in mid-November at the latest, and if not, in early November.</p> <p>Commissioner O'Connor stated that the Police Commission's role is to review the department's annual budget like it has been for the past few years, but not comprehensively as he would like it to be. He suggested that the Chair appoint a member or two to sit in the budget discussions and along with other keys members of the department appear before Council during the budget review for added support. Commissioner Bahouth stated that he agrees with Commissioner O'Connor's request asking the Chair if he would designate someone from the Commission.</p> <p>E/C Contrades stated that they have tried very hard over the years to try to get their point across by providing the facts and justification. He added with the Chief Perry's permission he could to do a budget presentation so that the Commission can see exactly what the department is asking for and the reason their asking for it.</p>	

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	<p>In reference to the comments that was made by a councilmember on reorganization, Commissioner Hertog asked whether the councilmember was referring to internal cuts or shifting positions from one section to another to which E/C Contrades replied he believes the councilmember was referring to shifting positions within the department.</p> <p>Commissioner Hertog stated that she agrees with Commissioner O'Connor that assigning someone to participate in KPD's budget discussions is a great idea because it will give the Commission a broader and better understanding on what the department's priorities are so that the Commission can advocate on behalf of the department; just as long they stay within the Commissions purview and do not interfere with the process.</p> <p>Chief Perry stated that they would welcome any help the Commission can provide and at the same time they could share with the Commissioners some of the hurdles they have to go through. He explained that in some way the department has become a victim of its own success because they were able to accomplish a lot with so little. Chief Perry stated that although the department is working hard it is not sustainable and at some point, the department will not be able to provide the services because they are being stretched to the limit.</p> <p>Chair Kanekoa asked Chief Perry if he could inform the Commissioners when the next budget meeting is going to take place to which Chief Perry replied he would. He added that as far as the legal analyst position the matter is still on-going and hopefully they will be able to get the position.</p> <p>Chair Kanekoa asked for a volunteer to which Commissioner Bahouth replied he would like to volunteer. Commissioner Hertog noted that she wouldn't mind being a back-up volunteer. Chair Kanekoa called for a</p>	

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	motion to appoint Commissioner Bahouth and Hertog to represent the Commission during KPD's budget discussions.	Commissioner Okami moved to appoint Commissioners Bahouth and Hertog to represent the Commission with the understanding that they will assist the department in any matter, shape or form the Commission as a whole can assist and report back to the body with its findings. Commissioner O'Connor seconded the motion. Motion carried 6:0
Announcement	Next regular monthly meeting is set for Friday, November 27, 2015, at 9:00 a.m.in the Mo`ikeha Meeting Room 2A/2B. Executive Session to follow.	
Executive Session	At 9:42 a.m. Commissioner Bahouth read the Hawai'i Revised Statutes to bring the Commission into Executive Session.	
KPC ES-33	Pursuant to the Hawai'i Revised Statutes §92-4 and §92-5 (a) (4), the purpose of this Executive Session is for the Commission to consult with its attorney as to the powers, duties, privileges, immunities, and liabilities as they may relate to a Declaratory Action to determine the powers of the Mayor and the powers of the Police Commission. (On-going)	
KPC ES-2015-034	Pursuant to the Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session minutes of September 25, 2015, and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this item.	
KPC ES-2015-035	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (1), (2), (4) and (5), the Office of the County Attorney request an Executive Session with the Police Commission, to determine whether legal representation may be	

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	provided to Chief Darryl Perry, Sergeant Sandy Wakumoto, Officer Isaiah Sarsona, and Officer Jerald Kim by the County of Kaua'i relating to case number <u>15 CV 212 ACK RLP, Raymond Cameron v. County of Kaua'i, Kaua'i Police Department, et al.</u> filed in the District Court for the District of Hawai'i. This briefing and consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Police Commission as the may relate to this agenda item.	
ES-033: KPC 2015-012	New notarized complaint received on September 1, 2015, alleging that an officer of the County was rude and refused to give the complainant his business card.	
KPC 2015-031	Discussion on the 2015 Performance Evaluation for Police Chief Darryl Perry. (On-going) Chair Kanekoa called for a motion to enter into Executive Session.	A motion was made by Commissioner O'Connor to enter into Executive Session. Commissioner Bahouth seconded the motion. Motion carried 6:0. At 9:47 a.m. the Commission entered into Executive Session.
Return to Open Session to Ratify the actions taken in Executive Session	At 10:37 a.m. the Commission reconvened in Open Session. Chair Kanekoa called for a motion to ratify the actions taken in Executive Session.	A motion was made by Commissioner Bahouth to ratify the actions taken in Executive Session. Commissioner Agarwal seconded the motion. Motion carried 6:0 ES-33: On-going. ES-2015-034: A motion to approve the Executive Session minutes of September 25, 2015, carried 6:0. KPC 2015-035: Motion carried 6:0 to approve legal representation to Chief Darryl Perry, Sergeant Sandy Wakumoto, Officer Isaiah Sarsona, and Officer Jerald Kim by the County

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		<p>of Kaua'i relating to case number 15 CV 212 ACK RLP, Raymond Cameron versus County of Kaua'i, Kaua'i Police Department, et al. filed in the District Court for the District of Hawai'i.</p> <p>ES-033: KPC 2015-012: Motion carried 6:0 to forward the complaint to the Office of the Chief for further review and investigation if deemed necessary.</p> <p>ES KPC 2015-031: (On-going)</p>
Adjournment	With no further business to conduct, Chair Kanekoa called for a motion to adjourn the meeting.	<p>A motion made by Commissioner O'Connor to adjourn the meeting. Commissioner Bahouth seconded the motion. Motion carried 6:0</p> <p>At 10:44 a.m. the meeting adjourned</p>

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Ernest Kanekoa Jr., Chair

(x) Approved as circulated on November 20, 2015.
() Approved as amended. See minutes of _____ meeting.